

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
WESTERN DIVISION

FILED
107-11467-10 P 3-10
CIVIL ACTION
DOCKET NO.
04-CV-11467 MAP

DOUGLAS DYNAMICS, LLC, d/b/a/
WESTERN PRODUCTS,

Plaintiff

v.

B & P SUPPLY, INC.,

Defendant

DEFENDANT'S OPPOSITION
TO MOTION TO
COMPEL

NOW comes B & P Supply, Inc., Judgment Debtor in the above entitled matter, and hereby submits its OPPOSITION to the Motion To Compel Production of Documents, dated March 29, 2007:

1. The Defendant admits that a Judgment was entered against it in favor of Douglas Dynamics, LLC on October 18, 2005.
2. Defendant's counsel, Jack E. Houghton, Jr., admits that Attorney Jennifer K. Cannon called him on one occasion regarding the Douglas Dynamic's Judgment. For reasons of confidentiality, counsel for B & P could not reply to counsel's telephone call. Peter A. Dus, Sr., as President of the Defendant, sold the assets of the Defendant in February of 2006 and retired to Florida. Until now, counsel for the Defendant had not filed an Appearance on behalf of the Defendant for the supplementary process proceedings against the Defendant; hence, sanctions against counsel for the Defendant are unwarranted in that he had not filed any Appearance on behalf of the Defendant subsequent to the Judgment in October of 2005.
3. The Defendant has now retained the undersigned as counsel for it in connection with the supplementary process proceedings brought against it by Douglas Dynamics, LLC. The Defendant has, this day, provided a Response to the Request For Production of Documents propounded against it.

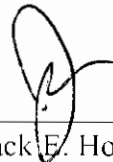
For the reasons above, Counsel for the Defendant respectfully opposes any sanctions against it, or counsel for the Defendant as he at no time filed any appearance or responsive pleading with the

Court, to any supplementary proceeding brought by Douglas Dynamics, LLC. Further, the Defendant has, this day, filed a Response to the Plaintiff's Request For Production of Documents.

Dated: April 6, 2007

B&P Supply, Inc.

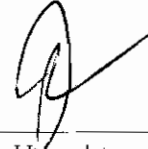
By Its Attorney:

A handwritten signature in black ink, appearing to be 'J. Houghton', written over a horizontal line.

Jack E. Houghton, Jr.
78 Bartlett Avenue
Pittsfield, MA 01201
(413) 447-7385
B.B.O. # 241040

CERTIFICATE OF SERVICE

I, Jack E. Houghton, Jr. hereby certify that I have, this 6th day of April, 2007 served the within Defendant's Opposition To Motion To Compel, by mailing same to Jennifer K. Cannon, Esq., Bulkley, Richardson and Gelinas, LLP, 1500 Main Street, Suite 2700, P.O. Box 15507 Springfield, MA 01115-5507, by first class mail, postage prepaid.

A handwritten signature in black ink, appearing to be 'J. Houghton', written over a horizontal line.

Jack E. Houghton, Jr.